

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CARLTON BARTON, JR.,)	CASE NO. 1:16 CV 2652
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
CREDIT ONE BANK, N.A.,)	
)	<u>ORDER AND REPORT &</u>
Defendant.)	<u>RECOMMENDATION</u>

District Judge Donald C. Nugent has referred this case to me for resolution of outstanding discovery disputes.¹ I ordered counsel to meet and confer in an effort to resolve the dispute.² In the absence of an agreed-upon resolution, I conducted a hearing on August 31, 2017.

After consideration of the statements on the record at that hearing, I order the following:

- The plaintiff's motion to compel discovery³ and the defendant's motion for a protective order⁴ are denied without prejudice.
- The depositions of the defendant and of non-party vendors must be taken where the deponents reside. Nevertheless, leave is hereby granted to have those depositions taken by remote means under Federal Rule of Civil

¹ Non-document order of August 10, 2017.

² ECF # 33.

³ ECF # 29.

⁴ ECF # 32.

Procedure 30(b)(4). Given the expense involved in taking these depositions in person, I urge the parties to proceed by remote means.

- The depositions of the defendant and of the non-party defendants will be taken under Federal Rule of Civil Procedure 30(b)(6). As provided for in the Rule, the plaintiff must “describe with reasonable particularity the matters for examination.” The plaintiff may also designate materials for production in the notice or subpoena. The notice or subpoena must be served 30 days before the date of deposition. If materials are designated for production, those materials must be delivered to plaintiff’s counsel 15 days before the date of the deposition. Counsel are to confer and agree upon dates for the depositions.
- Dependent upon Judge Nugent’s concurrence in the recommendation made below, the discovery in this case, including the deposition discovery provided for above, must be completed by November 29, 2017.

Based upon today’s hearing, I recommend that the time for completion of discovery be extended to November 29, 2017, with dispositive motions to be filed by December 29, 2017.

The referral to resolve the discovery dispute is terminated.

IT IS SO ORDERED

Dated: August 31, 2017

s/ William H. Baughman, Jr.
United States Magistrate Judge

Objections

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court’s order.⁵

⁵See, *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also, *Thomas v. Arn*, 474 U.S. 140 (1985), *reh’g denied*, 474 U.S. 1111 (1986).